

Q: Do you have a complaint the board has jurisdiction over?

A: The mission of the California Board of Pharmacy is to protect the health, safety and welfare of Californians. One of the ways this is accomplished is by the board's careful review, evaluation and resolution of all complaints submitted by consumers regarding licensees.

Suspected misconduct by a pharmacist or an error in the filling of a prescription may be violations of the law, and should be reported, whether or not the patient was harmed.

There are types of complaints that are not within the authority of the board, such as the pricing of prescription drugs and complaints involving prescription billing disputes with insurance carriers. However, you may still call or write the board for assistance and information on the options available to you for the resolution of your complaint.

Generally, the board has no jurisdiction over drug prices charged by a pharmacy. There is a provision in California law that requires pharmacies sell prescription medications to Medicaid-eligible patients at MediCal prices. Questions regarding this may be directed to the board. For the best prices on your prescriptions, the board recommends comparing prices at several pharmacies. Also, asking your doctor or pharmacist if there is a generic product available for your prescription may provide substantial savings.

Q: What is pharmacist misconduct?

A: Any action by the pharmacist that appears to be improper should be reported to the board for evaluation. Examples of misconduct by a pharmacist include but are not limited to instances where:

- The pharmacist fails to counsel you about how to take a new prescription (or a prescription with changed instructions) and its possible side effects;
- A non-pharmacist employee is allowed to counsel you regarding your prescription;
- The pharmacist is not present and your prescription is filled by a non-pharmacist;
- The pharmacist fails to maintain the confidentiality of your prescription;
- The pharmacist appears unable to function safely (due to alcohol or drug abuse); or
- The pharmacy is dirty, cluttered, or looks unsanitary

Q: What are prescription errors?

A: Examples of prescription error violations include but are not limited to instances where:

- Incorrect information is entered on the label of the prescription container;
- A prescription is dispensed with the wrong drug or wrong dosage;
- A prescription is refilled without proper authorization from the prescribing physician;
- A generic drug is substituted for a brand name drug without informing the patient of the substitution; or
- A prescription is filled using drugs whose expiration date has passed.

Q: How do I file a complaint?

A: You may submit your complaint electronically through the Board's On-line Complaint Form.

Or complete a Consumer Complaint Form found at this website and send to:

Board of Pharmacy
Attention: Enforcement Unit
1625 N. Market Blvd, Suite N 219
Sacramento, CA 95834

To assist the board in evaluating your complaint, provide as many details of the incident as possible. Additionally, include copies of any documentation you may have that relates to the complaint, such as prescriptions, invoices, or correspondence.

If your complaint is regarding a dispensing error or a prescription container that is incorrectly labeled, keep the container and its contents for future reference, if possible.

Q: What happens to my complaint?

A: When the board receives your complaint, you will be notified by letter of its receipt. The complaint will be evaluated, and the pharmacy may be advised of your specific concerns and asked for an explanation of the incident. Depending on the type of complaint, your name can be kept confidential in some instances.

Upon completion of an investigation and confirmation that a violation of California Pharmacy Law has occurred, the board determines the disciplinary action to be taken. The action, based on the severity and type of violation, can range from an official warning and/or fine, to suspension, probation, or revocation of the license involved.

Q: Will I be informed of the complaint outcome?

A: Yes, you will receive a written notification of the complaint outcome and any action taken by the board. Routine investigations may take about six months, while more complex cases requiring extensive investigation may take longer.

If you write the board and request information regarding the outcome of any complaint, the board will respond in writing. The following information may be obtained

- The date the complaint was received by the board;
- A summary of the investigation; and
- The outcome or type of discipline.

Formal disciplinary actions are a matter of public record, as are the names of licensees, their license numbers, their address of record, the date the original license was issued, and the current status (active or inactive) of that license.

Q: What kind of complaint does the board handle?

A: Errors in filling prescriptions or suspected misconduct by a pharmacist may be violations of pharmacy law. The Board does not have jurisdiction over drug prices charged by the pharmacy or prescription billing disputes with insurance carriers.

Q: How long will it take to complete the investigation?

A: The board strives to complete most complaint mediation in three months, and routine investigations may take about six months. More complex cases requiring extensive investigation may take longer.

Q: Can the board assure that i will receive a refund or other compensation?

A: No.

Q: Can the board assist me with a complaint about an over-the-counter drug product (one that does not require a prescription)?

A: No, the California Department of Public Health, Food and Drug Branch, is the agency that has jurisdiction regarding over-the-counter products.